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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,610

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Torsten Mueller

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06/02/2008

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EXAMINER

LEVI, DAMEON E

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/534,610	Applicant(s) MUELLER ET AL.	
	Examiner DAMEON E. LEVI	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/25/2008(RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/25/2008 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 31, 20, and 24-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Sucharczuk et al US Patent 6498732.

Regarding claim 31, Sucharczuk et al discloses an assembly comprising:

a front side of the device(element 30, Figs 1A-9A), a rear side of the device(element 31, Figs 1A-9A), and an interior of the device(element 41, Figs 1A-9A), wherein the front side of the device comprises an information-output device (element 20, Figs 2A-2C) affixed thereon and a recess (elements 24,26 Figs 2A-2C) providing access to the interior of the device; and

a plug-in measuring device module (element 50, Figs 1A-9A), having an electrical connection (element 27, Figs 1A-9A), inserted from the rear of the device and connected via a plug-and-socket panel (element 20, Figs 4A-4C) to the information-output device, wherein the electrical connection on the plug-in measuring device module projects through the recess on the front side of the device(Figs 6A-7B).

Regarding claim 20, Sucharczuk et al discloses characterized in that at least a part of the measuring-device module provides electrical contacts (element 28, Figs 4A-4C), which are accessible from the rear side of the measuring device.

Regarding claim 24, Sucharczuk et al discloses characterized in that the plug-and-socket panel (element 20, Figs 4A-4C) is mounted in such a manner that it can be displaced within a receiving device in at least one plane perpendicular to the direction of insertion of the measuring-device modules.

Regarding claim 25, Sucharczuk et al discloses characterized in that, in order to retain the measuring-device modules ,a rear cover is provided for the measuring-device housing, which cover has at least one recess through which connections of the measuring-device modules orientated towards the rear of the housing are accessible(elements 20,31 Figs 4A-4C).

Regarding claim 26, Sucharczuk et al discloses characterized in that insertion elements (elements 20 Figs 9B)can be inserted into the cover of the measuring device housing in order to cover the cooling-air gaps between the measuring-device modules and/or blank elements.

Regarding claim 27, Sucharczuk et al discloses characterized in that each measuring-device module (element 50, Figs 1A-9A) is formed as a functional unit, and that data can be transferred via a bus system either between various measuring-device modules or to the information-output device.

Regarding claim 28, Sucharczuk et al discloses characterized in that the information-output device is designed as an input/output device(element 20, Figs 2A-2C).

Regarding claim 29, Sucharczuk et al discloses characterized in that at least one measuring- device module (element 50, Figs 1A-9A) is designed as a computer module for controlling data transfer via the bus system.

Regarding claim 30, Sucharczuk et al discloses characterized in that a plug-in power pack (element 28, Figs 1A-9A) is provided, which is also connected to the plug-and-socket panel via an electrical plug-connection, wherein the power supply to the measuring-device modules is provided via the bus system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sucharczuk et al US Patent 6498732 in view of Porter US Patent 5808866.

Regarding claim 21, Sucharczuk et al discloses the instant claimed invention except characterized in that for each measuring-device module to be accommodated, at least one guide component for the guidance of the measuring-device modules is provided, wherein the at least one guide component provides a resilient, deformable guide element for the resilient mounting of the measuring-device module.

Porter discloses an assembly characterized in that for each measuring-device module to be accommodated, at least one guide component (elements 29, Figs 1A-5) for the guidance of the measuring-device modules is provided, wherein the at least one guide component provides a resilient, deformable guide element for the resilient mounting of the measuring-device module.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a resilient, deformable guide element as taught by Porter in the assembly of Sucharczuk et al for the purpose of accommodating for shock and vibration of the assembly.

Regarding claim 22, Sucharczuk et al discloses characterized in that the guide components for adjacent measuring-device modules are spaced at a distance such that a cooling-air gap is formed between adjacent measuring-device modules (Figs 8, 9A, 9B).

Regarding claim 23, Sucharczuk et al discloses the instant claimed invention except characterized in that the resilient, deformable guide elements are formed by resilient tongues arranged in a row.

Porter discloses characterized in that the resilient, deformable guide elements are formed by resilient tongues (14) arranged in a row(elements 29,Figs 1A-5).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the resilient guides in a row as taught by Porter in the assembly of Sucharczuk et al for the purpose of accommodating for shock and vibration of the assembly.

Additional Comments Regarding the Claims

Also, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ 2d 1647 (1987).

Apparatus claims must be structurally distinguishable from the prior art .

While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997).

See examples throughout the claims of claim language such as , “can be inserted”, "data can be transferred", “designed as an input/output device”, “designed as a computer”.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMEON E. LEVI whose telephone number is (571)272-2105. The examiner can normally be reached on Mon.-Thurs. (9:00 - 5:00) IFP, Fridays Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dameon E Levi
Examiner
Art Unit 2841

/Dameon E Levi/
Examiner, Art Unit 2841

Application/Control Number: 10/534,610
Art Unit: 2841

Page 8